

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against-

LEV PARNAS,  
IGOR FRUMAN, and  
ANDREY KUKUSHKIN,

S1 19 Cr. 725 (JPO)

**NOTICE OF MOTION**

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed declaration of Gerald B. Lefcourt, dated December 1, 2020, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, as well as the Declarations, Exhibits and Memoranda of Law submitted by and on behalf of Lev Parnas and Igor Fruman, and all pleadings and proceedings had herein, defendant Andrey Kukushkin will move this Court, before the Honorable J. Paul Oetken, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, New York, 10007, at a date and time convenient for the Court, for an Order:

- (1) pursuant to Rules 8(b) and 14 of the Federal Rules of Criminal Procedure granting severance of Counts Four, Five and Six of the Superseding Indictment and trying Mr. Kukushkin alone [REDACTED] on the basis of improper joinder and in order to preserve Mr. Kukushkin's constitutional due process right to a fair trial;
- (2) pursuant to Rule 15(a) of the Federal Rules of Criminal Procedure granting a foreign deposition of Foreign National-1;
- (3) dismissing the Superseding Indictment based the government's breach of Mr. Kukushkin's, Mr. Fruman's and others' attorney-client privilege or for discovery regarding same and recusal of the government's prosecution team;

- (4) suppressing the fruits of the numerous searches and seizures conducted pursuant to search warrants, the applications for which cited, referenced, or otherwise relied upon Mr. Kukushkin's, Mr. Fruman's and others' attorney-client privileged communications, including but not limited to the warrants dated October 22, 2019 (for Mr. Kukushkin's iCloud and [REDACTED] accounts), November 13, 2019 (for Mr. Kukushkin's iPhone), and May 4, 2020 (for [REDACTED]);
- (5) dismissing the Superseding Indictment for selective prosecution/selective enforcement or for discovery regarding same;
- (6) granting leave to join in the motions of Lev Parnas and Igor Fruman to the extent that they inure to his benefit and are not inconsistent herewith;
- (7) granting leave to make further motions, should they be rendered necessary; and
- (8) granting any other and further relief as to which the Court deems just and proper.

Pursuant to the Court's Order of October 8, 2020, the government's response to said motions is due no later than December 23, 2020, defendants' replies thereto are due no later than January 15, 2020. No oral argument has been scheduled.

Dated: New York, New York  
December 1, 2020

GERALD B. LEFCOURT, P.C.

By /s/ Gerald B. Lefcourt  
Gerald B. Lefcourt (GBL 5030)  
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